



General Assembly

January Session, 2013

***Raised Bill No. 6526***

LCO No. 3841



Referred to Committee on CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING TOXICS DISCLOSURE AND INNOVATION  
FOR HEALTHY CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2 section:

3 (1) "Chemical" means (A) a substance with a distinct molecular  
4 composition, or (B) a group of structurally-related substances.  
5 "Chemical" includes the breakdown products of the substance or  
6 substances that form through decomposition, degradation or  
7 metabolism;

8 (2) "Chemical of high concern to children" means a chemical  
9 identified by the Commissioner of Public Health pursuant to section 2  
10 of this act;

11 (3) "Children's product" means a consumer product designed or  
12 intended primarily for children under twelve years of age, including,  
13 but not limited to, clothing, accessories, jewelry, decorative object,

14 candy, food, dietary supplements or other edible or chewable items,  
15 toys, furniture or other articles used by or intended to be used by  
16 children, and any consumer product containing a chemical of high  
17 concern that when used or disposed of will likely result in a child  
18 twelve years of age or younger, or a fetus, being exposed to such  
19 chemical. "Children's product" does not include over-the-counter  
20 drugs, prescription drugs, food, dietary supplements, packaging,  
21 medical devices and products that are both a cosmetic and a drug  
22 regulated by the federal Food and Drug Administration. A product  
23 label that includes usage instructions for a product that applies to  
24 children does not in and of itself establish that the product is a  
25 children's product;

26 (4) "Consumer product" means any item sold for residential or  
27 commercial use, including any component parts and packaging, that is  
28 sold for: (A) Use in a residence, child care facility, licensed pursuant to  
29 section 17a-145 of the general statutes, or school, as defined in  
30 subsection (g) of section 10-233a of the general statutes; or (B) an  
31 outdoor residential use if any child twelve years of age or younger  
32 may have direct contact with the item. "Consumer product" does not  
33 include (i) a food or beverage or an additive to a food or beverage, a  
34 tobacco product or a pesticide regulated by the United States  
35 Environmental Protection Agency, (ii) a drug or biologic regulated by  
36 the United States Department of Health and Human Services or federal  
37 Food and Drug Administration or the packaging of a drug or biologic  
38 regulated by the federal Food and Drug Administration if the  
39 packaging is also regulated by the federal Food and Drug  
40 Administration, or (iii) an item sold for outdoor residential use that  
41 includes composite material made from polyester resins;

42 (5) "Distributor" means a person who sells consumer products to  
43 retail establishments on a wholesale basis;

44 (6) "Intentionally-added chemical" means a chemical that was added  
45 during the manufacture of a product or product component to provide

46 a specific characteristic, appearance or quality, or to perform a specific  
47 function;

48 (7) "Manufacturer" means any person who manufactured a final  
49 consumer product or whose brand name is affixed to the consumer  
50 product. In the case of a consumer product that was imported into the  
51 United States, "manufacturer" includes the importer or first domestic  
52 distributor of the consumer product if the person who manufactured  
53 or assembled the consumer product or whose brand name is affixed to  
54 the consumer product does not have a presence in the United States;

55 (8) "Priority chemical" means a chemical identified by the  
56 Commissioner of Public Health that is known, on the basis of credible  
57 scientific evidence, to: (A) Harm the normal development of a fetus or  
58 child or cause other developmental toxicity; (B) cause cancer, genetic  
59 damage or reproductive harm; (C) disrupt the endocrine system; (D)  
60 damage the nervous system, immune system or organs or cause other  
61 systemic toxicity; (E) be persistent, bioaccumulative and toxic; or (F) be  
62 very persistent and very bioaccumulative;

63 (9) "Very bioaccumulative" means having a bioconcentration factor  
64 or bioaccumulation factor equal to or greater than five thousand, or  
65 having a log Kow greater than 5.0; and

66 (10) "Very persistent" means having (A) a half-life in soil or  
67 sediment of greater than one hundred eighty days; or (B) a half-life  
68 equal to or greater than sixty days in water or evidence of long-range  
69 transport.

70 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of Public  
71 Health, in consultation with the Commissioner of Energy and  
72 Environmental Protection, shall create and maintain a list of priority  
73 chemicals that are of high concern to children after considering a  
74 child's or developing fetus's potential for exposure to each chemical.  
75 Not later than January 1, 2014, and every two years thereafter, said  
76 commissioners shall identify two or more chemicals for inclusion on

77 such list. Said commissioners may include chemicals that (1) are listed  
78 on the State of Maine Department of Environmental Protection's  
79 Chemicals of High Concern list and the State of Washington  
80 Department of Health's Chemicals of High Concern for Children list,  
81 or (2) meet one or more of the following criteria: (A) The chemical has  
82 been found through biomonitoring studies that demonstrate the  
83 presence of the chemical in human umbilical cord blood, human breast  
84 milk, human urine or other bodily tissues or fluids; (B) the chemical  
85 has been found through sampling and analysis to be present in  
86 household dust, indoor air, drinking water or elsewhere in the home  
87 environment; or (C) the chemical has been added to or is present in a  
88 consumer product used or present in the home.

89 (b) Said commissioners shall review and revise the list of priority  
90 chemicals of high concern at least every three years and shall consider  
91 adding chemicals that meet the criteria set forth in subsection (a) of  
92 this section.

93 Sec. 3. (NEW) (*Effective from passage*) Not later than one year after a  
94 chemical is placed on the list of priority chemicals in accordance with  
95 subsection (a) of section 2 of this act, a manufacturer of a children's  
96 product, or a trade organization on behalf of its member  
97 manufacturers, shall provide a Disclosure Notification Report to the  
98 Commissioner of Public Health in such form and in such manner as  
99 said commissioner prescribes, that such manufacturer's product  
100 contains an intentionally added priority chemical. Such report shall be  
101 filed biennially and shall include: (1) The name of the priority chemical  
102 and its Chemical Abstracts Service registry number; (2) a brief  
103 description of the product or product component containing the  
104 priority chemical; (3) a description of the function of the priority  
105 chemical in the product; (4) the amount of the priority chemical in the  
106 product; (5) the name, address and contact information for the  
107 manufacturer; and (6) such other information as the commissioner may  
108 require. The commissioner may authorize a manufacturer to submit  
109 such report to the interstate chemicals clearinghouse, as described in

110 section 6 of this act.

111       Sec. 4. (NEW) (*Effective from passage*) (a) Not later than two years  
112 after a chemical is placed on the list of priority chemicals in accordance  
113 with subsection (a) of section 2 of this act, a manufacturer that  
114 manufactures children's products containing a priority chemical shall  
115 submit a Product Innovation Plan to the Commissioner of Public  
116 Health. The plan shall include: (1) A timeframe for removal of the  
117 identified priority chemical from the manufactured children's product;  
118 (2) an affidavit stating that any chemical used to replace the priority  
119 chemical is inherently less hazardous to children's health based on (A)  
120 supporting documentation that the replacement chemical is not (i)  
121 persistent, bioaccumulative and toxic, (ii) very persistent,  
122 bioaccumulative and toxic, (iii) very persistent and toxic, (iv) very  
123 bioaccumulative and toxic, or (v) known or likely to be carcinogenic,  
124 mutagenic, a reproductive or developmental toxicant, neurotoxicant or  
125 endocrine disrupting, or (B) a hazard assessment protocol; or (3) a plan  
126 and timeline acceptable to the commissioner for conducting research to  
127 identify inherently less hazardous substitutes if none currently exist  
128 for specific identified uses.

129       (b) The Commissioner of Public Health may authorize the interstate  
130 chemicals clearinghouse, as described in section 6 of this act, to review  
131 and determine the adequacy of the plan pursuant to subsection (a) of  
132 this section.

133       (c) The plan shall be approved by the commissioner if it meets the  
134 criteria specified in subsection (a) of this section and meets a three-year  
135 phase-out timeframe. If the plan fails to meet such criteria, the  
136 commissioner shall make recommendations to the General Assembly  
137 regarding (1) product labeling, (2) forfeiture of sales of that  
138 manufacturer's children's products in the state, or (3) civil penalties to  
139 be collected by the Department of Public Health.

140       Sec. 5. (NEW) (*Effective from passage*) A manufacturer that sells

141 children's products containing a priority chemical in the state may  
142 consult with the Chemical Innovations Institute, as described in section  
143 22a-903 of the general statutes, or other green chemistry research  
144 institution in the state to identify a replacement chemical that is  
145 inherently less hazardous pursuant to the criteria in subsection (a) of  
146 section 4 of this act.

147       Sec. 6. (NEW) (*Effective from passage*) The Commissioner of Public  
148 Health may, within available appropriations, participate in an  
149 interstate chemicals clearinghouse to (1) classify chemicals existing in  
150 children's products into one of the following four categories: (A) High  
151 concern, (B) moderate concern, (C) low concern, or (D) unknown  
152 concern; (2) organize and manage available data on chemicals,  
153 including, but not limited to, information on uses, hazards and  
154 environmental concerns associated with chemicals; (3) produce and  
155 inventory information on safer alternatives for specific uses of  
156 chemicals and model policies and programs related to such  
157 alternatives; (4) provide technical assistance to businesses and  
158 consumers relating to safer chemicals; and (5) perform other activities  
159 related to this section.

160       Sec. 7. (NEW) (*Effective from passage*) Not later than January 15, 2015,  
161 and biennially thereafter, the Commissioner of Public Health shall  
162 report to the joint standing committee of the General Assembly  
163 having cognizance of matters relating to public health, on the status of  
164 the list of priority chemicals, created and maintained in accordance  
165 with section 2 of this act, and the number of (1) manufacturers that  
166 have submitted disclosure notification reports in the previous  
167 biennium, (2) manufacturers in compliance with the product  
168 innovation plans, and (3) products, users and manufacturers, if any,  
169 that the commissioner has exempted from the provisions of sections 3  
170 to 5, inclusive, of this act.

171       Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Public  
172 Health is authorized to assess a fee payable by the manufacturer or

173 such manufacturer's trade association to cover the department's  
 174 reasonable costs in processing and managing the information collected  
 175 upon submission of the disclosure notification reports and the product  
 176 innovation plans. The commissioner shall not assess a fee on a  
 177 manufacturer that submits the product innovation plan not later than  
 178 two years after the date required and certifies in such plan that the  
 179 priority chemical is removed without any substitution of another  
 180 chemical.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section

***Statement of Purpose:***

To require the Commissioner of Public Health to identify chemicals of high concern to children and to require manufacturers of children's products to provide notice to the commissioner if the manufacturer's product contains a chemical of high concern to children.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*